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	<b>LANDSCAPING AND OPEN SPACE</b>

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## **16.01 General Requirements for Landscaping and Screening**

The requirements of this Article shall apply to all uses of land, buildings, and structures located in the Chowan County Zoning Jurisdiction which are not exempted in subsection A. The purpose of the landscaping and screening requirements contained in this Article is to establish minimum standards that (i) provide a visual buffer between parking lots and loading areas and adjoining roads and residentially-used properties, (ii) provide a buffer between certain incompatible land uses, and (iii) screen solid waste collection dumpsters. Additional landscaping and screening requirements for properties located in Highway Corridor Overlay (HCO) Districts are delineated in [Section 7.03](#).

### **A. Exemptions**

None of the landscaping and screening requirements of this Article shall apply to:

1. A detached single-family dwelling on its own separate lot.
2. A two-family dwelling on its own separate lot.
3. Existing uses and buildings, including repairs, alterations, or improvements to the interiors and exteriors of existing buildings which do not result in additions or expansions to them.
4. Additions or expansions made to existing buildings within any consecutive 12-month period where the gross floor area of the additions or expansions does not exceed 30% of the gross floor area of the existing buildings.
5. Additions or expansions made to existing vehicular parking areas within any consecutive 12-month period where the total area of the additions or expansions will not exceed 30% of the existing vehicular parking areas.

### **B. Landscaping Plan Approval**

Whenever an application is filed with Chowan County for a building and/or zoning permit for any use of land to which these landscaping requirements apply, such application shall be accompanied by a landscape development plan. Such plan shall be in sufficient detail to enable the Zoning Administrator to determine whether or not such plan, when fully implemented, will comply with the landscaping requirements of this Ordinance, and, in addition to information required by other provisions of this Ordinance, shall include at a minimum the following specific information:

1. The locations, dimensions and descriptions of all areas to be landscaped, including buffers, screens and fences;

2. The locations, species, spacing and size (height and caliper) of proposed trees that are required;
3. The locations, species (as appropriate), spacing and sizes of planting materials, walls, berms, and fences that are proposed to serve as required screens and buffers;
4. The locations, dimensions and descriptions of any barriers to be installed at any time to protect trees and plants; and
5. A description of the proposed means for watering and soil stabilization of planted areas

## **16.02 Parking and Loading Area Landscaping**

Where ten or more parking spaces are required by [Section 10.03](#), parking lots shall provide landscaping and screening in accordance with the standards delineated below:

### **A. Roadside Buffer Yard Requirements**

1. Where ten or more parking spaces are required, parking lots shall include a minimum 10-foot perpetually maintained natural or planted buffer yard to screen the parking lot from all adjoining public road rights-of-way (where such parking lot is not screened visually by an intervening building).
2. The required roadside buffer yard shall contain at least one canopy tree for each sixty linear feet of road frontage and each tree shall be a minimum of 8 feet in height and shall have a minimum caliper of 2 inches (measured six inches above grade) at the time of planting. Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity.
3. The required buffer yard shall also contain evergreen shrubs, planted four feet on center, which are of a species that can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
4. All portions of the roadside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

### **B. Property Line Buffer Yard Requirements**

Where ten or more parking spaces are required by [Section 10.03](#), any parking lot and loading area (i) which is located on a commercially-, industrially-, or institutionally-used lot, and (ii) which abuts a residentially zoned lot shall include a minimum 10-foot perpetually maintained natural or planted buffer yard along all adjoining property lines that do not coincide with road rights-of-way.

The required property line buffer yard shall comply with the planting standards set out in [subsection A](#). for roadside buffer yards except that there shall be one canopy tree for each 60 LF of property line adjoining a residentially zoned lot rather than for each 60 LF of road frontage.

### **16.03 Screening of Trash Containers and Dumpsters**

- A. The large metal boxes commonly known as 'dumpsters' are a type of 'trash container' as such term is used herein. Such dumpsters are, however, referred to in this Section by specific name for purposes of emphasis and clarity.
- B. It is the intent of this Section to provide for visual screens and/or buffers between trash container and dumpster locations and all road rights-of-way and adjoining properties.
- C. Trash containers and dumpsters shall not be located in the front yard of any property and shall be screened from view on all sides, except for one opening not greater than ten feet in width to allow for service access.
- D. Screens and/or buffers intended to satisfy the requirements of this Section shall consist of plant materials, earthen berms or closed (solid) fences or walls or a combination thereof, which will restrict the view from street rights-of-way and/or abutting properties to a height of at least 8 feet above adjacent ground elevation year round. Plant materials shall be evergreen shrubs at least 2 feet in height at planting, shall be a species that can be expected to reach a height of at least 8 feet within 5 years of planting, and shall be planted and maintained in accordance with acceptable horticultural standards. Spacing between individual shrubs shall not exceed 5 feet on center.

### **16.04 Screening of Adjoining Incompatible Land Uses**

#### **A. Multi-family Residential Uses**

Whenever 5 or more multi-family residential dwelling units are proposed to be located directly abutting property which is used for single-family residential purposes or which is zoned for single-family residential use, the multi-family use shall provide screening in accordance with the following standards:

- 1. A minimum 15-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a single-family used or zoned lot.
- 2. The buffer yard shall contain 2 canopy trees and 3 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high

and 1 inch in caliper (measured 6 inches above grade) when planted.

3. The buffer yard shall also contain 17 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

## **B. Industrial and Commercial Uses**

Whenever an industrial or commercial use is proposed to be located so that the principal building, accessory building(s), outdoor use areas, or parking and loading areas are within 100 feet of a lot which is used for residential purposes or which is zoned for residential use, the industrial or commercial use shall provide screening in accordance with the following standards:

1. A minimum 25-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.
2. The buffer yard shall contain 3 canopy trees and 5 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
3. The buffer yard shall also contain 25 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

## **C. Manufactured Home Parks**

Whenever a manufactured home park is proposed to be located directly abutting property which is used for single-family residential purposes or which is zoned for single-family residential use, the manufactured home use shall provide screening in accordance with the following standards:

1. A minimum 15-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a single-family used or zoned lot.

2. The buffer yard shall contain 2 canopy trees and 3 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
3. The buffer yard shall also contain 17 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

#### **16.05 Alternative Methods of Compliance**

- A. Under certain circumstances the application of the standards delineated in [Sections 16.02 through 16.04](#) is either inappropriate or ineffective in achieving the purposes of this Ordinance. When screening is required by this Article or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Administrator. This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in [Sections 16.02 through 16.04](#). If approved by the Zoning Administrator, the alternative screening plan may be utilized to meet the requirements of this Ordinance.
- B. A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of [Sections 16.02 through 16.04](#) provided that the following standards are met:
  1. Walls (a minimum of 5 feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque fence (a minimum of 5 feet in height) may be used to reduce the widths of the buffer yards required in [Sections 16.02\(A\)1, 16.02\(B\), 16.04\(A\)1, 16.04\(B\)1, and 16.04\(C\)1](#) by 10 feet.
  2. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Administrator upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.
  3. Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 6 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).

4. Any berm utilized for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1.

#### **16.06 Maintenance**

In order for any screening to fulfill the purpose for which it was established, it must be properly maintained. The owner of the property and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all required screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Ordinance. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

#### **16.07 Use of Existing Screening**

When a lot is to be developed so that screening is required and that lot abuts an existing hedge, fence or other screening material on the adjoining lot, then that existing screen may be used to satisfy the requirements of this Ordinance. The existing screen must meet the minimum standards for screening established by this Ordinance and it must be protected from damage by pedestrians or motor vehicles. However, the burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original use continues in operation. Consequently, should the screening on the adjoining lot be removed, the use required to be screened shall, at that time, provide screening in accordance with the requirements of this Ordinance.

#### **16.08 Obstructions Prohibited**

Landscaping and screening materials shall not obstruct the view of motorists using any road, driveway, or parking aisle.

#### **16.09 Guarantee in Lieu of Immediate Installation of Landscaping and Screening Materials**

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, the developer may provide, in accordance with the provisions of Section 3.15, an adequately secured performance bond or other security to ensure that all of the requirements of Sections 16.01 through 16.05 will be fulfilled.

#### **16.10 Minimum Usable Open Space and Recreational Space Requirements**

- A. Each residential development that does not involve a subdivision of the property into lots intended for individual ownership shall reserve land area

as usable open space and/or recreational space in accordance with the following.

1. Multifamily, two-family, and mixed residential density developments: 15% of the gross land area
2. Manufactured home parks: 5% of the gross land area; [See Section 8.49 F](#) also for additional recreation space requirements for manufactured home parks.

B. Every residential development that involves a subdivision of the property into lots or units intended for individual ownership shall reserve land area as usable open and/or recreational space in accordance with the following.

1. Traditional single-family residential, two-family, manufactured home, mixed residential density, townhouse, and condominium subdivisions of 10 or more lots: [See Article VII, Section 5.0 of the Chowan County Subdivision Ordinance.](#)
2. Waterfront subdivisions: [See Article V, Section 9.0 of the Chowan County Subdivision Ordinance.](#)
3. Traditional Neighborhood Developments: [See Section 8.98 J. and Article VII, Section 5.0 of the Chowan County Subdivision Ordinance.](#)
4. Planned Unit Developments: [See Section 8.67, E. and Article VII, Section 5.0 of the Chowan County Subdivision Ordinance.](#)
5. Cluster residential subdivisions: [See Section 6.01 B. 2](#)

C. For purposes of this Section, usable open space means an area that:

1. Is not encumbered with any structure unless such structure is intended for recreational purposes and is accessible to all residents of the development or general public;
2. Is not contained within a road right-of-way or otherwise devoted to use as a roadway or parking area not associated with the use of the open space;
3. Is left in its natural or undisturbed state (as of the date development began), if wooded (except for the cutting of trails for walking or jogging) or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in [subsection C. 4;](#)
4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;



5. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to [Section 16.11](#);
6. Is not encumbered by underground septic lines, any part of a sewage disposal system, or any above-ground or below-ground structure; and
7. Consists of land no more than 25 percent of which lies within an area of special flood hazard or a floodway as defined in [Section 7.02 C](#).

#### **16.11 Ownership and Maintenance of Required Open and Recreational Space**

- A. Open space and recreational space required by this Ordinance shall not be dedicated to the public except upon the written acceptance of Chowan County pursuant to [subsection C](#). but shall remain under the ownership and control of the developer (or successor in title) or a Homeowners Association or similar organization established pursuant to [Article VII, Section 6.0 of the Chowan County Subdivision Ordinance](#).
- B. The person or entity identified in [subsection A](#) as having the right of ownership and control over such open space and recreational space shall be responsible for the continuing upkeep and maintenance of the same.
- C. The Board of County Commissioners shall have the authority to accept or reject offers for land dedications made as a requirement of this Article. Land proposed by the developer as public open space on a site plan shall be considered to be offered for dedication until such offer is officially accepted by the Chowan County Board of Commissioners. The offer may be accepted by the County through:
  1. Written acceptance by the Board of County Commissioners; or
  2. Written acceptance by an administrative officer designated by the Board of County Commissioners; or

Until such dedication has been accepted, land so offered may be used for open space purposes by the property owner or by a property owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use. The property owner shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted by Chowan County.

#### **16.12 Flexibility in Administration Authorized**

- A. The requirements set forth in this Article concerning the amount, size, location and nature of open space and recreational space to be provided in connection with residential developments are established by the Board of County Commissioners as standards that presumptively will result in the provision of that amount of open space and recreational space that is consistent with generally recognized standards relating to the need for

such areas. The Board recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing board is authorized to permit minor deviations from these standards whenever it determines that (i) the objectives underlying these standards can be met without strict adherence to them and (ii) because of peculiarities in the developer's tract of land or the particular type or configuration of the development proposed, it would be unreasonable to require strict adherence to these standards.

- B. Whenever the permit issuing board authorizes some deviation from the standards set forth in Article pursuant to [subsection A.](#), the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.